

First, Ms. Dollinger, who was filling in for Examiner Bilgrami (who was not present at the interview), had indicated that she was not familiar with the present application. To assist Ms. Dollinger, the undersigned provided a brief explanation of the invention. On the last page of the interview summary, however, line six includes a statement that appears to assert that the undersigned characterized the invention as requiring use of semaphores. More particularly, the interview summary states that the undersigned argued: "Semaphores determine the processing order." However, the undersigned's verbal description of semaphores during the interview was in the context of only one exemplary way to determine an order of processing. In no way whatsoever was it mentioned, inferred or hinted to Ms. Dollinger that use of semaphores was required to carry out the claimed invention. The independent claims 1, 5 and 8 do not recite semaphores, and thus the use of semaphores is not necessarily required to determine an order of processing.

Second, the last page of the November 4, 2008, interview summary, at lines 13-14, states that the Applicant would be willing to entertain an examiner's amendment to put the case into condition for allowance. However, while the Applicant believes the application is currently allowable, this statement was made in the context that the Applicant would consider proposed minor changes to one or more claims that the Office may consider necessary before allowing the application.

The Office issued another interview summary on November 12, 2008. This interview summary appears to relate to a telephonic interview initiated by Examiner Bilgrami on October 28, 2008¹, in which the Examiner stated he and Ms. Dollinger discussed the issues raised in the November 4 interview, and that he would reassess his position after receiving Applicant's arguments in written form.

The Rejection under 35 U.S.C. § 103(a)

Starting on page 2 of the most recent Office Action, the Examiner maintained the rejection under 35 U.S.C. § 103(a) of claims 1-9, and 11-18 as allegedly being unpatentable over the Chang et al. patent. However, this rejection is believed erroneous because Chang et al. fails to disclose, teach, suggest, or infer each and every features set forth in the claimed combinations of features.

¹ The interview summary mailed on November 12, 2008, indicates that an interview between Examiner Bilgrami and the undersigned took place on October 21, 2008, which is different from the date that the above-mentioned telephone conversation occurred.

As pointed out in previous replies by Applicant, the Chang et al. patent is directed to a computer network system that preserves packet order by using a **hashing function** to ensure maintenance of the packet sequence. In the Chang et al. system, each packet is assigned to a queue by the hashing function according to the device that it relates to, so that packets associated with a given device will be handled in the same particular queue. There is one queue for every processor (CPU), and only that processor handles that queue. Thus, packets that are assigned to a specific queue in the Chang et al. system can only be processed by the CPU corresponding to that queue. When all of the packets in a queue are processed, the thread becomes dormant, even if other packets are being processed in other queues by other processors.

By contrast, Applicant's independent claims 1, 5, and 8 are respectively directed to a method, processing engine and system having the feature of a ticket dispenser that dispenses a ticket having a value associated therewith. More specifically, claim 1 recites, among other things, that each processor in at least one processing engine takes a ticket from a ticket dispenser once the processor becomes available. Claims 5 and 8 recite, among other things, that a ticket dispenser is adapted to associate a ticket with each incoming datagram and that the processing elements take a next ticket from the dispenser upon becoming available. As pointed out previously on page 9 of the July 14, 2008, Amendment, the Chang et al. patent fails to disclose or suggest that processors, once they become available, taking the next ticket to process the associated datagrams (e.g., packets in a Network environment). Chang et al., in fact, does not disclose anything related to a ticket dispenser system which assigns a ticket to a datagram or group of datagrams, and/or a ticket being taken by a processor when that processor becomes available.

Unlike the hashing function of Chang et al. system, which pre-groups all packets that are related to the same device and directs these packets to a same queue to be processed by a specific processor, datagrams (e.g., packets) in embodiments of the claimed subject matter may be fetched by **any** available processor. Thus, Chang et al. appears to actually *teach away* from a ticket dispenser, as set forth in each of independent claims 1, 5 and 8.

The Examiner correctly notes that Chang does not explicitly disclose a ticket dispenser adopted to associate a ticket with each incoming datagram. However, the Examiner fails to explain or otherwise show why it would have been obvious to one of ordinary skill in the art to modify the system of Chang et al. to include a ticket dispenser, as claimed, beyond a conclusory statement that this replacement would have been obvious.

Furthermore, the undersigned's amendments filed with the Request for Continued Examination of July 14, 2008, did not appear to be considered by the Examiner in the most recent Office Action. For instance, independent claim 1 was amended to comprise several method steps including a recitation that processors take a ticket from a ticket dispenser and reading and writing of datagrams being controlled according to the value of the taken ticket. However, the rejection of newly amended claim 1 in the Office Action of September 25, 2008, was nearly identical to the rejection applied to a previous version of claim 1 and does not appear to address the added features. If the Examiner intends to maintain this rejection, he is requested to further clarify where each feature is shown in the prior art and why the missing features in Chang et al. would have been obvious to one of ordinary skill in the art.

For at least these reasons, and the reasons advanced in Applicant's response of July 14, 2008, the Chang et al. patent fails to render obviousness the claimed subject matter. Accordingly, it is respectfully requested that the rejection of claims 1-9 and 11-18 under 35 U.S.C. § 103(a) be withdrawn and the applicant passed to issue without further delay.

Respectfully submitted,
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